

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Dec 23, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

KIMBERLEE S. KYLES ,

Defendant.

Nos. 2:22-CR-0133-TOR-14

ORDER MODIFYING
ORDER TEMPORARILY
RELEASING DEFENDANT
TO INPATIENT SUBSTANCE
ABUSE TREATMENT**MOTION GRANTED
(ECF NO. 1227)**

On December 18, 2024, the Court held a detention review hearing to consider KIMBERLEE S. KYLES' Motion for Release to Community. **ECF No. 1227**. Defendant appeared out of custody represented by Assistant Federal Defender Joel Baumann. Assistant U.S. Attorney Earl Hicks represented the United States. U.S. Probation Officer Chris Heinen was also present.

Specifically, Defendant sought release to Defendant's residence to attend intensive-outpatient treatment through Spokane Addiction Recovery Centers (SPARC), following her graduation from inpatient treatment on December 20, 2024. The United States did not oppose Defendant's release plan and U.S. Probation did oppose Defendant's release plan.

The Court reviewed and considered Defendant's Motion for Furlough, **ECF No. 1227**; the case file; and, the proffers and arguments of counsel. "[Federal Rule of Criminal Procedure] 32.1(a)(6) governs release pending a hearing on a violation

1 of probation or supervised release.” Fed. R. Crim. P. 46(d). Pursuant to Fed. R.
2 Crim. P. 32.1, the Court may release or detain a defendant under 18 U.S.C. §
3 3143(a) pending further proceedings. Fed. R. Crim. P. 32.1(a)(6). Defendant
4 bears the burden of establishing by clear and convincing evidence that Defendant
5 is not a risk of flight or a danger to any other person or the community. *Id.*; *see*
6 *also* 18 U.S.C. § 3143(a). The Court has also considered: 1) the nature and
7 circumstances of Defendant’s alleged probation violations; 2) the weight of the
8 evidence against Defendant; 3) Defendant’s history and characteristics, including
9 character, physical and mental condition, family ties, employment, financial
10 resources, length of residence in the community, community ties, past conduct and
11 history relating to alcohol and drug abuse, and also criminal history, record
12 concerning appearance at court proceedings, and Defendant’s supervision at the
13 time of the alleged violation; and, 4) the nature and seriousness of the danger to the
14 community posed by Defendant’s release. *See* 18 U.S.C. § 3142(g).

15 The Court finds pursuant to 18 U.S.C. § 3143(a) by clear and convincing
16 evidence that the temporary release conditions imposed in this Order are a
17 sufficient combination of conditions that will reasonably assure Defendant’s
18 appearance at future proceedings and a sufficient combination of conditions that
19 will reasonably assure the safety of other persons and the community if Defendant
20 is released. The Court further finds that the United States affirmatively agrees that
21 Defendant’s release plan and the temporary release conditions imposed in this
22 Order are sufficient to reasonably assure Defendant’s future appearance and
23 reasonably protect the community.
24

25 Accordingly, the Court finding good cause, **IT IS ORDERED:**

26 1. Defendant’s Motion, **ECF No. 1227** is **GRANTED**. Pursuant to 18
27 U.S.C. § 3143(a), Defendant shall be released to reside at her home **following her**
28

successful completion of inpatient substance abuse treatment on December 20, 2024.

2. All of the previously imposed conditions of Defendant's probation are expressly reimposed under 18 U.S.C. § 3142(c), pursuant to this Court's authority to grant pre-revocation hearing release under Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a)(1).

3. The release conditions imposed in the Court's prior Order Temporarily Releasing Defendant to Inpatient Substance Abuse Treatment, ECF No. 1210, shall remain in full force and effect, except that Condition No. 4 is modified to permit Defendant to reside at her residence as set forth in this Order.

IT IS SO ORDERED.

DATED December 23, 2024.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE